

STATE PROPERTIES COMMITTEE MEETING

TUESDAY, APRIL 15, 2008

The meeting of the State Properties Committee was called to order at 10:00 a.m. by Chairman Robert Griffith. Other members present were John Ryan representing the Rhode Island Department of Administration; Richard Woolley representing the Rhode Island Department of Attorney General; John A. Pagliarini, Jr., and Robert W. Kay, Public Members. Others in attendance were Anthony Paolantonio from the Rhode Island House of Representatives; Robert C. Bromley from the Rhode Island Senate Fiscal Office; Maureen McMahan from the Rhode Island Department of Transportation; Marco Schiappa from the Rhode Island Department of Administration; John Faltus and Joseph Dias from the Rhode Island Department of Environmental Management; Charles Breagy from Iron Sports.

Chairman Griffith noted for the record that the State Properties Committee did have a quorum present.

A motion was made to approve the regular minutes of the State Properties

Committee meeting held on Tuesday, April 1, 2008, as amended, by Mr. Woolley and

seconded by Mr. Pagliarini.

Passed Unanimously

A motion was made to approve the Executive Session minutes of the State Properties Committee meeting held on Tuesday, April 1, 2008, by Mr.

Pagliarini and seconded by Mr. Woolley.

Passed Unanimously

ITEM A – Department of Administration – A request was made for permission to utilize the State House grounds for the Ironman Competition scheduled to be held on Thursday, July 10, 2008, through Monday, July 14, 2008. Mr. Schiappa introduced Charles Breagy from Iron Sports. Mr. Schiappa stated that Iron Sports hosts the Ironman Competition. Iron Sports initially approached the Department of Administration, Division of Facilities Management to utilize Station Park. However, due to the grounds of Station Park recently being seeded and unavailable for use, the Division of Facilities is seeking to accommodate Iron Sports request by allowing it to utilize the south side of the State House grounds. This event will begin at Wheeler Beach for the swimming event. Then the participants will bike to the State House and park their bicycles. Then the participants will change into their running gear and begin the final

phase, which is a 13 mile marathon. On Sunday, March 13, 2008, there will be a corral for the bicycles and the finish line will be on the south side of the State House grounds. Iron Sports anticipates that approximately 2,000 athletes will participate in the competition and approximately 10,000 spectators will attend the event; however, the spectators will not be allowed on the State House grounds. Mr. Schiappa indicated that Iron Sports has provided the Department of Administration, Division of Facilities Management with a schematic of the event, which the Division of Facilities Management has reviewed and approved. Mr. Pagliarini asked what arrangements have been made in terms of cleaning up after the event. Mr. Breagy indicated that there are approximately 1,300 volunteers for this event and they will do whatever is necessary to return the grounds to their original condition. There will be a dumpster located near the maintenance house and all trash will be placed in the dumpster, which will be removed from the grounds the next day. Mr. Ryan noted that the letter submitted by Mr. Schiappa referenced a walk through before the event; however, Mr. Ryan suggested that a walk through be done after the event to ensure that the Division of Facilities Management is satisfied with the condition of the grounds. Mr. Schiappa indicated that there will definitely be a walk through after the event as well. Mr. Ryan commented that he was pleased to see that Mr. Schiappa had referenced stakes for the tents as the State of Rhode Island has just recently installed a new underground sprinkler system on the State House lawn. Mr. Breagy indicated that Iron Sports is willing to hire a professional caretaker, if necessary, to ensure that no mistakes are

made. Mr. Kay noted that Iron Sports has obtained a general liability policy; however, Mr. Kay indicated that Iron Sports will need to ensure that said policy provides for product liability. Mr. Schiappa indicated that nothing will be sold; volunteers will simply be providing water to the athletes. Mr. Kay indicated that providing water to the athletes will not require product liability coverage. Mr. Breagy indicated that there will be a tent set up for the sale of merchandise. Mr. Breagy asked if Iron Sports obtains product liability insurance coverage will the State Properties Committee allow the Lease Agreement be amended to include a provision to allow for the sale of merchandise. Mr. Kay indicated that as long as the product liability insurance is for the same amount as the \$1,000,000 comprehensive general liability insurance, he sees no problem with merchandise being sold from a tent. Mr. Schiappa indicated that the Division of Facilities Management is currently examining the issue of merchandise being sold on the State House grounds in terms of policy. Mr. Schiappa noted that normally the sale of merchandise is not allowed on the State House ground. However, it has come to his attention that there are certain cases; one being the Heritage Festival where the sales of merchandise has been allowed. In the event the merchants set up outside of the State House grounds, the State of Rhode Island has no jurisdiction. A motion was made to approve by Mr. Woolley and seconded by Griffith.

Passed Unanimously

ITEM B – Department of Environmental Management – A request was made for approval of and signatures on a License Agreement with the

Blackstone River Valley CorridorKeepers for a Wellness Walk-A-Thon and public awareness event scheduled to be held on Saturday, May 3, 2008, with a rain date of Sunday, May 4, 2008. Mr. Faltus explained that this License Agreement is a first time request from the Blackstone River Valley CorridorKeepers. The Blackstone River Valley CorridorKeepers wish to host a Wellness Walk-A-Thon and community event at the I-295 Blackstone State Park Visitors Center and along a portion of the Blackstone Bikepath on Saturday, May 3, 2008, with a rain date of Sunday, May 4, 2008. The Department of Environmental Management has been working with the Blackstone River Valley CorridorKeepers to put this event together. The Blackstone River Valley CorridorKeepers hope to have other businesses and organizations from the Blackstone Valley participate as well as agencies from the Department of Environmental Management. Mr. Faltus indicated that the Blackstone River Valley CorridorKeepers have been in communication with John Tickner, President of Babcock and Helliwell, the insurance company providing the insurance coverage for this event. Mr. Faltus explained that a question has arisen relative to the insurance requirements. Mr. Faltus provided the Committee with a copy of a letter from Mr. John Tickner dated April 3, 2008, for its review. Mr. Faltus indicated that the Department of Environmental Management's License Agreement, Article No. 4, specifies the insurance coverage and requires minimum limits without a deductible or self-insured reserve in the amount of \$1,000,000 for any one person in one occurrence and \$2,000,000 in aggregate for all persons in any one occurrence and \$500,000 for

property damage. Mr. Faltus noted that Mr. Tickner asked if the insurance policy can be written as single limit coverage for both the bodily injury and property damage exposure. Mr. Faltus explained that he would need to present this issue to the State Properties Committee to seek approval of the Certificate of Insurance. Mr. Kay asked what the single liability limit total will be. Mr. Faltus indicated he believed the single liability limit total will be \$2,000,000. Mr. Kay indicated that under the circumstances presented, he sees no reason why it cannot be written as a single limit policy. Mr. Faltus indicated that it would be very beneficial to the various State agencies to receive specific guidelines from Kevin Carvalho as to how the certificates of insurance should be issued to satisfy the requirements of the State of Rhode Island. Mr. Woolley indicated that not only does the State Properties Committee need a certificate of insurance; it also needs a rider, as the certificate of insurance is essentially worthless without the rider. Mr. Faltus stated that Department of Environmental Management always asks that the State of Rhode Island be listed as additionally insured. Mr. Faltus reiterated that it would be very beneficial if Kevin Carvalho could provide the various State agencies with a policy memorandum with a sample of the necessary documents; then the agencies could provide the sample to the groups and organizations who wish to license State-owned property and need to obtain special event insurance. Mr. Faltus respectfully requested that the Committee approve the License Agreement subject to the applicant obtaining the necessary insurance coverage. Chairman Griffith asked if product liability will be necessary relative

to this event. Mr. Faltus indicated that Blackstone River Valley CorridorKeepers is soliciting vendors; however, pursuant to the License Agreement the Department of Environmental Management requires any and all vendors be properly insured and licensed before selling any product. Mr. Kay asked that Department of Environmental Management require the vendors to list the State of Rhode Island as additionally insured. Chairman Griffith noted that the License Agreement references fruit and merchandise vendors as well as a carnival without amusement rides. Mr. Faltus indicated that the word carnival is unbecoming. There will be no “carnival”; it is a community fair to promote businesses and activities such as the Blackstone Valley Outfitters, Whole Foods and other businesses in the Blackstone Valley. A motion was made to approve subject to the appropriate insurance certificate and endorsement being submitted to the State Properties Committee by Mr. Ryan and seconded by Mr. Woolley.

Passed Unanimously

ITEM C – Department of Environmental Management – A request was made for approval of and signatures on a Recreation Easement between the Department of Environmental Management and the Block Island Trust. Mr. Dias presented a site map to the Committee for its review. Mr. Dias explained that this grant began in 1998. It is a transaction involving The Block Island Land Trust and The Nature Conservancy to acquire a several parcels of land in a proposed subdivision to preserve a public access trail along the west side of Block Island. Mr. Dias indicated the exact location of the subject

property using the site map. Mr. Dias indicated that the property is valued at approximately \$1,500,000 and consists of approximately 11.48 acres of land. Mr. Dias noted that the State Properties Committee usually considers approval of Conservation Easements, which can be very restrictive as to passive recreation. The Recreation Easement before the Committee today actually encourages activities such as trail use. Mr. Dias stated that this is the longest outstanding grant at the Department of Environmental Management. Mr. Dias explained that there were some title issues that have finally been resolved. Mr. Kay asked Mr. Dias to clarify the source of the funding for this acquisition. Mr. Dias indicated that there was a bond passed in 1989, which provided money for cities and towns to acquire land for park development or recreation development. At that time, The Block Island Land Trust applied for one of those grants and it was awarded. Chairman Griffith asked if the property will be utilized for passive recreation. Mr. Dias stated that the property will be utilized strictly for passive recreation. A motion was made to approve by Mr. Woolley and seconded by Mr. Ryan.

Passed Unanimously

ITEM D – Department of Transportation – A request for approval of and signatures on a Grant of Easement by and between the State of Rhode Island and Narragansett Electric Company to install new electrical service to serve the Robert Potter League for Animals; a long-term tenant of the Newport State Airport. This item was deferred to the next State Properties Committee scheduled for Tuesday, April

29, 2008, at the request of the Department of Transportation.

The Committee moves to go into Executive Session, pursuant to Rhode Island General Law 42-46-5(a)(5) for the specific purpose of discussion or consideration related to the acquisition or lease of real property for public purpose, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

A motion to enter into Executive Session was made by Mr. Woolley and seconded

by Mr. Ryan. A roll call vote was taken and the votes were as follows:

Mr. Kay voted “Aye”, Mr. Woolley voted “Aye”, Mr. Pagliarini voted “Aye”, Mr. Ryan voted “Aye” and Chairman Griffith voted “Aye”.

The State Properties Committee closed the Executive Session and returned to

open session at 10:28 a.m.

ITEM E1 – Department of Transportation – A request was made for approval to continue with the acquisition of land and easements necessary for the Sakonnet River Bridge Replacement Project in the Town of Tiverton. After discussion in Executive Session, a motion was made to approve by Mr. Kay and seconded by Mr. Ryan. The

motion passed four (4) votes “Aye” with one (1) abstention.

Four (4) Votes “Aye”

Mr. Kay

Mr. Ryan

Mr. Pagliarini

Chairman Griffith

One (1) Abstention

Mr. Woolley

There being no further business to come before the State Properties Committee, the meeting was adjourned at 10:32 a.m. A motion was made to adjourn by Mr. Pagliarini and seconded by Mr. Kay.

Passed Unanimously

Holly H. Rhodes, Executive Secretary